

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARK MILLIGAN,)	
)	
Plaintiff,)	
)	
v.)	No. 04-04057-JLF
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER

Before the Court is defendant's motion for summary judgment, (Docs.25,26), to which plaintiff has not filed a response. On October 20, 2005, this Court ordered plaintiff to file a response to defendant's summary judgment motion on or before November 4, 2005 (Doc. 28). Plaintiff was warned that "**Failure to respond to this Order will result in admission of the merits of the motion.**" (Doc. 28). Plaintiff has failed to comply with the Court's order, thus, defendant's motion for summary judgment (Doc. 25) is **GRANTED**. This action is dismissed with prejudice. A separate Judgment shall accompany this Order. **IT IS SO ORDERED.**

DATED: December 7, 2005.

s/ James L. Foreman
DISTRICT JUDGE